IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1635 (SS) of 2007

Ganesh Ram,
S/o late Sri Kam Ram,
Presently serving as Head Constable,
46 Battalion, Rudrapur,
Udham Singh Nagar. .....……Petitioner

Versus

1. Union of India through its Chairman, Central State Advisory Committee, Gate No. 31, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi.
2. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pension, (Department of Personnel and Training), Government of India, Lok Nayak Bhawan, III floor, Khan Market, New Delhi- 110003.
3. State of Uttarakhand, through Secretary, Home, Uttarakhand Sashan, Dehradun.
4. Director General of Police, Uttarakhand Sashan, Dehradun.
5. State of Uttar Pradesh, through Secretary, Home U.P., Lucknow.
6. Director General of Police, U.P., Lucknow.

……Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri K.K. Tiwari, learned counsel for the petitioner, Sri N.P. Shah, learned Standing Counsel for State of Uttarakhand, Smt. Anjali Bhargav, learned Standing Counsel for Union of India and learned Standing Counsel for State of U.P.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. *a writ, rule, order or direction in the nature of Certiorari for quashing the impugned order dated 04.03.2005 Annexure No. 1 to this writ petition.*

ii. *a writ, order or direction in the nature of Mandamus commanding and directing the respondents not to relieve the petitioner for State of U.P.*

iii. *a writ, order or direction in the nature of Mandamus commanding and directing the respondents to finally allocate the petitioner for Uttarakhand Cadre with all consequential benefits.*

iv. *any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

v. *Award cost of the petition in favour of the petitioner.*

The stand of the petitioner is that petitioner is permanent resident of State of Uttarakhand, he has opted for State of U.P. and he has been finally allocated to State of U.P. however, he wants to remain in State of Uttarakhand.

Since Final Allocation List has already been issued by Union of India no positive order can be passed, however, petitioner is permitted to make representation raising all his grievances before respondent no. 2 and also before State of Uttarakhand to consider his mutual transfer if it is possible and it is expected from the respondents that they will consider the representation of the petitioner sympathetically and decide the same as expeditiously as possible.

With this direction, writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

November 7, 2007
SKS